

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
6553 US

First named inventor: OLAF HOFFMANN

Application No.: 08/913,184

Art Unit: 2841

Filed: March 5, 1996

Examiner: Hung S. Bui

Title: COMMUNICATIONS and MEASUREMENT APPARATUS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of SEE ATTACHED DOCUMENTS (identify type of reply):
 has been filed previously on _____
 is enclosed herewith.
- B. The issue fee and publication fee (if required) of \$ _____.
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 17, 2004

Date

Telephone

Number: 503 627-7261

Signature

Francis I. Gray, Reg. No. 27,788

Typed or printed name

TEKTRONIX, INC.

Address

P.O. Box 500, MS 50-LAW, Beaverton, Oregon 97077

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

August 17, 2004

Date

Signature

Francis I. Gray

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **OLAF HOFFMANN, RUDOLF MERZ, CHRISTIAN NESS
and REINHARD PACK**

Filed: **March 5, 1996**

Examiner: **Hung S. Bui**

Serial No.: **08/913,184**

Art Unit: **2841**

For: **COMMUNICATIONS AND MEASUREMENT APPARATUS**

August 17, 2004

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**Petition to Revive an Unintentionally Abandoned
Application Pursuant to 37 CFR 1.137**

Dear Sir:

Applicants hereby petition the Commissioner under 37 C.F.R. 1.137(b) for the revival of subject application which was abandoned for failure to timely respond to the Office letter mailed on December 17, 2003.

Applicants hereby state the delay in responding to the Office letter was unintentional because Applicants' attorney did not receive the Office letter mailed on December 17, 2003.

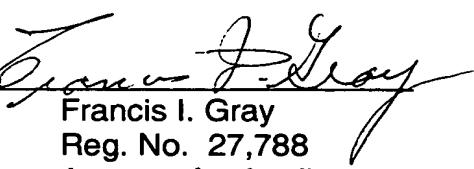
Enclosed is a Fee Transmittal authorizing deduction of fee from Deposit Account. Please fax copy of Office letter dated December 17, 2003 to undersigned at 503 627-7119 so Applicants can prepare a reply as required by 37 C.F.R. 1.137 (b)(1).

Respectfully submitted,

TEKTRONIX, INC.
P.O. Box 500 (50-LAW)
Beaverton, OR 97077
(503) 627-7261

6335 US

OLAF HOFFMANN et al

By 
Francis I. Gray
Reg. No. 27,788
Attorney for Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **OLAF HOFFMANN, RUDOLF MERZ,
CHRISTIAN NESS and REINHARD PACK**

Serial No.: **08/913,184**

Art Unit: **2841**

Filed: **August 6, 2001, IA** Filed: **March 5, 1996**

Examiner: **Hung S. Bui**

For: **COMMUNICATIONS AND MEASUREMENT APPARATUS**

November 8, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS REQUEST OF PETITION

Dear Sirs:

Please let us know the status of the Petition for Revival of the above referenced Application for Patent Abandoned Unintentionally. The Petition was received at the USPTO on August 16, 2004.

The Petitioner also requested the USPTO send a copy of the outstanding Office letter dated December 17, 2003. To date we have not received a response.

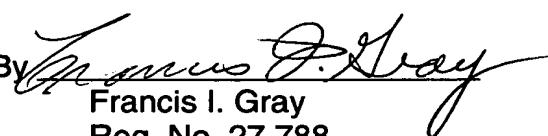
Enclosed are copies of the Petition, Fee Transmittal and Auto-Reply from the USPTO.

Please send a response as soon as possible.

Respectfully submitted,

OLAF HOFFMANN et al

TEKTRONIX, INC.
P.O. Box 500, MS 50-LAW
Beaverton, Oregon 97077
(503) 627-7261 Phone
(503) 627-7119 Fax

By 
Francis I. Gray
Reg. No. 27,788
Attorney for Applicant

6553 US

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 503 627 7119

Fax Information

Date Received:

Total Pages:

8/16/2004 7:26:50 PM [Eastern Daylight Time]
4 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

08/16/2004 16:29 503-627-7119		TEKTRONIX LAW DEPT	PAGE 01/04
<small>PTO/SB/64 (11-03) Approved for use through 07/31/2008. GMB 0851-001 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.</small>			
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)	6553 US
<small>U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE</small>			
First named inventor: OLAF HOFFMANN		Art Unit: 2841	
Application No.: 08/913,184		Examiner: Hung S. Bui	
Filed: March 5, 1996		Title: COMMUNICATIONS and MEASUREMENT APPARATUS	
<small>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (703) 305-8916</small>			
<small>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-8282.</small>			
<small>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.</small>			
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION			
<small>NOTE: A grantable petition requires the following items:</small>			
<small>(1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional.</small>			
1. Petition fee			
<input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> Other than small entity - fee \$ 1,200.00 (37 CFR 1.17(m))			
2. Reply and/or fee			
A. The reply and/or fee to the above-noted Office action in the form of <u>SEE ATTACHED DOCUMENTS</u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith.			
B. The issue fee and publication fee (if required) of \$ _____ <input type="checkbox"/> has been paid previously on _____ <input type="checkbox"/> is enclosed herewith.			
<small>[Page 1 of 2] This collection of information is required by 37 CFR 1.137. The information is mandatory to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments or suggestions on the amount of time required to complete this form and/or suggestions for reducing this burden, should be sent to the Information Collection Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</small>			
<small>PAGE 141 RCVD AT 8/16/2004 7:26:50 PM [Eastern Daylight Time] SVR:USPTO-EPX08-401DRS/7453283 CSU:503-027-7119 DURATION (min:ss):01:56</small>			

BEST AVAILABLE COPY

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,330.00)

Complete if Known

Application Number	08/913,184
Filing Date	March 5, 1996
First Named Inventor	OLAF HOFFMANN
Examiner Name	Hung S. Bui
Art Unit	2841
Attorney Docket No.	6553 US

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name

20-0352

TEKTRONIX, INC.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	
			-3** =	X	

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES****Large Entity** **Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1,330.00
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,330.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Francis I. Gray	Registration No. (Attorney/Agent)	27,788	Telephone	503 627-7261
Signature	Francis I. Gray			Date	August 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

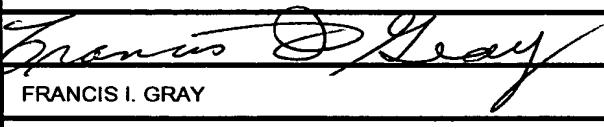
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	08/913,184
		Filing Date	August 6, 2001, IA Filing Date March 5, 1996
		First Named Inventor	OLAF HOFFMANN
		Art Unit	2841
		Examiner Name	HUNG S. BUI
Total Number of Pages in This Submission	7	Attorney Docket Number	6553 US (Previously 67190/954050)

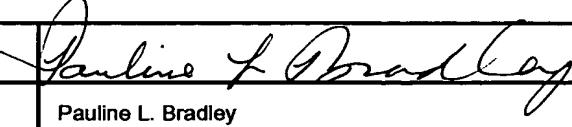
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Petition, Fee Transmittal, Auto-Reply from USPTO and Return Post Card
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Remarks
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Information Disclosure Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	TEKTRONIX, INC.		
Signature			
Printed name	FRANCIS I. GRAY		
Date	NOVEMBER 8, 2004	Reg. No.	27,788

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Pauline L. Bradley	Date	November 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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